

ORIGINAL



BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

GARY PIERCE, Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

2012 OCT 31 P 3:51

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

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In the matter of

ANDREW C. MENICHINO, a married
individual;

INNOVATIVE CONSTRUCTION, INC., a
Pennsylvania Corporation,

ATLANTIC LEXUS, LTD., a Turks and
Caicos Corporation;

Respondents.

DOCKET NO. S-20839A-12-0083

**SECURITIES DIVISION'S PRELIMINARY
LIST OF WITNESSES AND EXHIBITS**

The Securities Division of the Arizona Corporation Commission ("Division") submits the following lists of witnesses and documentary evidence for the hearing scheduled for December 12, 13, and 14, 2012 before Administrative Law Judge Marc E. Stern. Please note that these lists are subject to amendment and/or supplement at any time.

The Division has not yet decided which particular witnesses will testify, but we expect to select from the following list:

1. Clyde J. Hanselman, Special Investigator Securities Division;
2. Steven Netzel, Witness;
3. Special Investigator with the Pennsylvania Department of Banking and Securities;
4. Lawrence Tucker, Witness
5. Any Custodian of Records necessary for the introduction of business and subpoenaed records;

1 6. Any Witnesses necessary to lay foundation including, without limitation, third-party
2 witnesses who were involved in the investments at issue;

3 7. Any Witnesses necessary for rebuttal.

4 The Division expects to submit the documentary evidence identified in the attached
5 "Exhibit A." The Division reserves the right to use additional exhibits that may be collected or
6 identified between the date of this list and the close of hearing. The Division further reserves the
7 right to use exhibits that are not listed, for purposes of rebuttal.

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9 RESPECTFULLY SUBMITTED this 31st day of October, 2012.

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11 By _____

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13 Paul Huynh
14 Attorney for the Securities Division of the
15 Arizona Corporation Commission
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Exhibit A

**Securities Division's Preliminary List of Exhibits
In the Matter of Andrew Menichino, *et al.*
S-20839A-12-0083**

Exhibit No.	Description
S-1	Certificate of Non-Registration of Andrew Menichino (to be supplemented)
S-2	Certificate of Non-Registration of Atlantic Lexus Ltd. (to be supplemented)
S-3	Certificate of Non-Registration of Innovative Construction Inc. (to be supplemented)
S-4	Certified copy of Menichino prison records (to be supplemented)
S-5	Email from Lawrence Tucker, Esq. to Daniel Meinert (PA) dated January 25, 2012 enclosing letter re: validation of UCC Security Interests A. letter to Jim Louks from Lawrence Tucker, Esq. dated July 7, 2009
S-6	Email from Lawrence Tucker, Esq. to Daniel Meinert (PA) dated February 3, 2012 enclosing notarized affidavit A. Affidavit of fact dated February 3, 2012 (Lawrence Tucker, Esq.)
S-7	Letter dated September 23, 2011 from Jamie B. Palfai of Baugh, Dalton, Carlson & Ryan, L.L.C.
S-8	Promissory Note dated June 25, 2008- between Fasio Ltd. and Atlantic Lexus Ltd. (\$150,000)
S-9	Irrevocable Profit Participation Agreement dated August 20, 2008 between Brentora Holdings Ltd. and Fasio Ltd.
S-10	Fasio/Atlantic Lexus Lending Participant "Loan Contracts and Profit Allocation Agreement" dated September 29, 2008; Attachments A- Promissory Notes, Attachment D/E- Wire Transfer Instructions.
S-11	Assignment Agreement dated August 10, 2009 between FASIO Ltd. and Britannic House
S-12	Letter from Andrew Menichino dated February 20, 2008
S-13	A. Letter from Tucker & Associates, PLLC to Andrew Menichino dated February 25, 2008 regarding validation of UCC-1 B. Letter from Tucker & Associates, PLLC to Andrew Menichino March 26, 2008 regarding validation of UCC-1
S-14	Letter from Daniel Akaluso, CPA to Andrew Menichino dated June 12, 2007 regarding opinion on UCC-1 validation
S-15	Filing acknowledgement from Michigan Department of State dated January 16, 2007 and Initial Financing Statement document
S-16	Financing Statement, Default Notice and Judgment (filing #431955) from Andrew Menichino to Great Lakes Bancorp dated December 30, 1996
S-17	Default Notice, Judgment Lien, pleading from Florida court, letter dated November 30, 1996 to Barnett Bank Corp., Second Judgment Lien Certificate, and Financing Statements filed in Pinellas County, FLA #9585
S-18	Letter from Bentora Holdings LLC to Steve Netzel dated August 26, 2008

Exhibit No.	Description
S-19	Various Loan Contract and Profit Allocation Agreements between FASIO Ltd.; Atlantic Lexus Ltd.: A. and Adeline Patan Yampiere dated June 26, 2008 B. and Gary & Donna Woodfield dated June 26, 2008 C. and Jeffrey C. & Faith A. Martin dated September 5, 2008 D. and Richard J. Gopin dated September 5, 2008 E. and Mary Georgiade dated August 18, 2008 F. and James R. & Patricia J. Nienaber dated September 5, 2008 G. and Stan & Anita Fagerstrom dated June 26, 2008 H. and Linda M. DeFelix dated August 18, 2008
S-20	Table of Participants (8) in the Atlantic Lexus Loan Program through Fasio, including Participants' contact information and other relevant lending information
S-21	Assorted correspondence and e-mails between Atlantic Lexus Principals/Promoters and Fasio/Steven Netzel
S-22	Assorted correspondence between Fasio/Steven Netzel and the Loan Participants/Fasio Members
S-23	Correspondence from Steve Netzel (Fasio Ltd.) to Andrew Menichino (Atlantic Lexus Ltd./Innovative Construction-Associates) dated February 2009 and October 2009, FedEx Airbills and tracking details
S-24	Financial information, financial transactions, and miscellaneous wire transfer data Fasio, Ltd.
S-25	Articles of Association, Memorandum of Association, share certificates, and Incorporation Certifications (Turks & Caicos Islands)
S-26	Miscellaneous documents of various costs, fees and other expenses of Steven Netzel (Fasio Ltd.)
S-27	Letter from Attorney Peter Horne (Pennsylvania) to Steven Netzel dated October 7, 2010
S-28	Letter from Larry Forletta (Forletta Consulting & Investigative Services, LLC) to Steven Netzel dated August 31, 2011
S-29	Miscellaneous contact information and related information on Atlantic Lexus Principals/Promoters Andre Forgues and Andrew Menichino
	Any additional documentation produced by Respondents
	Any documents listed on Respondents' list(s) of exhibits
	Any other documentation discovered or otherwise obtained subsequent to the production date of this Preliminary List of Exhibits.

The above lists are subject to amendment and/or supplement at any time prior to or during the scheduled hearing. Personal addresses, bank account numbers, social security numbers, birthdates, e-mail address domain and telephone numbers have been redacted from exhibits.